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DE RUEHVI #0176/03 0481214
ZNR UUUUU ZZH
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FM AMEMBASSY VIENNA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4187
INFO RUEHSL/AMEMBASSY BRATISLAVA 0015
RUEHBM/AMEMBASSY BUCHAREST 1462
RUEHUP/AMEMBASSY BUDAPEST 1317
RUEHCH/AMEMBASSY CHISINAU 0590
RUEHKV/AMEMBASSY KYIV 0087
RUEHMD/AMEMBASSY MADRID 1027
RUEHSK/AMEMBASSY MINSK 0782
RUEHMO/AMEMBASSY MOSCOW 2285
RUEHPG/AMEMBASSY PRAGUE 1519
RUEHWR/AMEMBASSY WARSAW 1455
RUEHRO/AMEMBASSY ROME 3194
RUEHSF/AMEMBASSY SOFIA 1183
RUEHUJA/AMEMBASSY ABUJA 0095
RUEHOS/AMCONSUL LAGOS 0003
RUEAWJA/DEPT OF JUSTICE WASHDC
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UNCLAS SECION 03 OF 08 VIENNA 000176

SENSITIVE

SIPDIS

STATE FOR G/TIP (DONNELLY), G (LAURA PENA), AND UR/PGI(BUCKNEBERG), USAID

E.O. 12958: N/A

AGS: KTIP, PHUM, KCRM, KWMN, SMIG, KFRD, ASEC, PREF ELAB, KMCA,
AU

SUBJECT: AUSTRIA: TENTH ANNUALTRAFFICKING IN PERSONS (TIP) REPORT

1A. Existing Laws against TIP:

Article 217 of the Austrian Criminal Code, amended in January 1999, and Article 104a of the Criminal Code, which went into effect on May 2004, are the key provisions for the prosecution of traffickers. Paragraph 1 of Article 217 prohibits "border-crossing trafficking for the purpose of prostitution." Paragraph 1 refers to inducing or recruiting aliens for prostitution. Paragraph 2 of Article 217 covers trafficking for prostitution through deception regarding the purpose of journey to Austria or through coercion or use of force. Article 104a prohibits trafficking for the purpose of sexual exploitation, exploitation of human organs, or labor exploitation.

Article 104 of the Criminal Code deals with trafficking for the purposes of slavery.

Article 114 of the Aliens Police Act of 2005 contains criminal-law provisions on alien smuggling. Sometimes, traffickers are prosecuted under this section of law because facilitation of illegal entry is easier to prove than trafficking and does not require the testimony of victims. With Article 116, the Aliens Police Act also contains a criminal law provision generally prohibiting the exploitation of aliens.

Articles 1325-1329 of the Austrian Civil Code of 1811 provide the basis for civil law compensation of victims due to physical injury, abuse, forced sexual intercourse and deprivation of personal liberty.

Article 20(b) of the Criminal Code provides for asset seizure and the forfeiture of illegal proceeds. In connection with organized crime, all assets are subject to seizure and forfeiture, including bank assets, other financial assets, cars, legitimate businesses, and real estate.

1B. Punishment of Sex Trafficking Offenses:

Punishment under Article 217 of the Criminal Code results in

sentences from six months to 10 years. Article 104a also provides for sentences up to 10 years. Article 104 of the Criminal Code requires sentences ranging from 10 to 20 years. Article 114 of the Aliens Police Act provides for sentences of up to 10 years for persons convicted of alien smuggling. Article 116 of the Aliens Police Act provides for sentences of up to three years for persons who exploit aliens, and under special circumstances, such as the death of the victim, of up to 10 years.

C. Punishment of Labor Trafficking Offenses:

As indicated in para A., Article 104a of the Criminal Code also applies for trafficking for the purpose of labor exploitation, and prescribes sentences of up to 10 years.

D. Rape:

Article 201 of the Criminal Code provides for imprisonment of six months to 10 years for convictions for rape. Under specific circumstances such as torture, sentences can reach 15 years. In cases leading to the death of victims, sentences can reach 20 years.

E. Law Enforcement Statistics:

The Foreign, Interior and Justice ministries have made available detailed statistics, listing 196 proceedings under Article 217 (cross-border trafficking for the purpose of prostitution) and 23 proceedings under Article 104a of the Criminal Code (trafficking) in